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FISCAL IMPACT STATEMENT

LS 6029

BILL NUMBER: SB 57

NOTE PREPARED: Nov 9, 2007

BILL AMENDED:

SUBJECT: Forensic Diversion Funding.

FIRST AUTHOR: Sen. Waltz

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: ☒ **GENERAL**
☐ **DEDICATED**
☐ **FEDERAL**

IMPACT: State

STATE IMPACT	FY 2008	FY 2009	FY 2010
State Revenues			
State Expenditures	13,333,333	13,333,333	
Net Increase (Decrease)	(13,333,333)	(13,333,333)	

Summary of Legislation: This bill appropriates money to the forensic diversion program account within the state General Fund for each year of the biennium beginning July 1, 2007, and ending June 30, 2009.

(The introduced version of this bill was prepared by the Forensic Diversion Study Committee.)

Effective Date: July 1, 2007 (retroactive).

Explanation of State Expenditures: Summary- This bill appropriates \$13,333,333 in each of FY 2008 and FY 2009. Appropriations are not subject to reversion to the state General Fund.

This bill would fund the Forensic Diversion Program Account that was established in 2004. While IC 11-12-3.7-13 calls for an annual appropriation each biennium, so far no appropriation has been granted.

Background Information- The following describes the types of programs that current law allows, how these programs are administered, and the potential numbers who could be served based on current pilot programs and the number of offenders committed to Department of Correction (DOC) facilities.

Two Types of Programs – State law allows two types of forensic diversion programs to address the needs of adults with mental illnesses or addictive disorders who have been charged with nonviolent crimes and who have not had a conviction for a violent offense in the past 10 years.

- Pre-conviction programs for persons with mental illnesses or addiction disorders who have committed a nonviolent misdemeanor or Class D felony that could be reduced to a Class A misdemeanor (IC 11-12-3.7-11).
- Post-conviction programs for nonviolent offenses that do not include drug dealing offenses. The court may suspend all or a portion of the person's sentence and place the person on probation for the suspended portion of the sentence in a post-conviction forensic diversion program (IC 11-12-3.7-12).

Administration – At the local level, each county has an advisory board (IC 11-12-3.7-2). The board can be either a community corrections advisory board or an advisory board comprised of nine members. If the county does not have a community corrections program, the members on this advisory board will range from a judge to individuals with expertise in substance abuse or mental health treatment. At the state level, the DOC is charged with adopting guidelines to govern the disbursement of funds from this account to each advisory board (IC 11-12-3.7-13).

Current Activity – DOC reports that it funds forensic diversion programs in 13 counties out of its community corrections line item (1000-216100). In 2007, DOC spent \$1.6 M for these programs. These programs had a total capacity to serve 549 felons and misdemeanants. The average cost per offender by program ranges between \$1,875 and \$23,000 depending on the type of program offered and how costs are reported. The number of persons who could be served depends on the types of programs that would be offered. Programs with a residential component will cost significantly more than programs in which clients attend during the day.

For *illustrative* purposes, LSA examined offenders who were committed to DOC facilities during FY 2007 who had a psychiatric condition that fell into one of two categories:

- The offenders were diagnosed with a mental illness or emotional condition requiring the use of major tranquilizers or injectable psychotropic medications and/or requiring frequent monitoring or surveillance by a psychiatrist. The disorders did not include substance-related disorders, sexual and gender identity disorders, eating disorders, sleep disorders, adjustment disorders, impulse control disorders, and relational problems.
- The offenders were diagnosed with any acute or stable mental or emotional condition which required the services of a psychiatrist limited to: an evaluation to determine the presence of serious mental illness or requiring infrequent psychiatric monitoring.

Offenders Committed to Doc in FY 2007 with Mental Conditions That Would Make Them Possibly Qualify for Forensic Diversion					
General Class	FA	FB	FC	FD	Grand Total
Drug-Related	1	4	12	51	68
Fail to Register as Sex Offender			1	9	10
Miscellaneous			6	5	11
Person			20	44	64
Property			59	137	196
Public Administration			1	11	12
Public Order			7	16	23
Vehicular			16	44	60
Weapons-Related		5	6		11
Grand Total	1	9	128	317	455

Explanation of State Revenues:

Explanation of Local Expenditures: Depending on the arrangements made at the local level, some counties with forensic diversion programs will use staff from either the probation department or the community corrections program to monitor and supervise offenders in the forensic diversion program.

Explanation of Local Revenues: The local program will generally charge a fee for an offender to participate in the program. The local agency may also be able to recover some of their costs with money from other programs. As examples, counties have used grants from the Criminal Justice Institute, the Department of Mental Health, and the Office of Family and Children to pay for portions of the costs of their forensic diversion program.

State Agencies Affected: Department of Correction

Local Agencies Affected: Community correction agencies

Information Sources: Department of Correction

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